

1 KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
2 BRIAN L. FERRALL - # 160847
DAVID SILBERT - # 173128
3 MICHAEL S. KWUN - #198945
633 Battery Street
4 San Francisco, CA 94111-1809
Telephone: (415) 391-5400
5 Email: rvannest@kvn.com;
bferrall@kvn.com; dsilbert@kvn.com;
6 mkwun@kvn.com

SUSAN CREIGHTON, SBN 135528
SCOTT A. SHER, SBN 190053
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
1700 K Street NW, Fifth Floor
Washington, D.C., 20006-3817
Telephone: (202) 973-8800
Email: screighton@wsgr.com;
ssher@wsgr.com

7
8 JONATHAN M. JACOBSON, NY SBN 1350495
CHUL PAK (*pro hac vice*)
DAVID H. REICHENBERG (*pro hac vice*)
9 WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
10 1301 Avenue Of The Americas, 40th Floor
New York, NY 10019-6022
11 Telephone: (212) 999-5800
Email: jjacobson@wsgr.com; cpak@wsgr.com;
12 dreichenberg@wsgr.com

13 Attorneys for Defendant ARISTA NETWORKS, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 CISCO SYSTEMS, INC.,

18 Plaintiff,

19 v.

20 ARISTA NETWORKS, INC.,

21 Defendant.
22
23
24
25
26
27
28

Case No. 5:14-cv-05344-BLF (NC)

**[PROPOSED] ORDER GRANTING
ARISTA'S MOTION IN LIMINE NO. 2
TO EXCLUDE REFERENCE TO NON-
ASSERTED WORKS OR UNDISCLOSED
CONTENTIONS**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 The Court, having fully considered the papers and arguments presented by the parties,
2 hereby GRANTS Defendant Arista's Motion *in Limine* No. 2.

3 Plaintiff Cisco Systems, Inc. ("Cisco") shall be precluded from offering evidence or
4 making argument during the trial regarding any purported basis for infringement not asserted in
5 pleadings or disclosed in discovery responses, and specifically excluding reference to: (1) any
6 copyrighted work that is not among the registered works asserted by Cisco as attachments to the
7 operative complaint, (2) any "work" that was not defined and disclosed in discovery as an
8 asserted work, or (3) any purported similarities between Cisco and Arista works not disclosed in
9 response to Arista's contention interrogatories.

10 **IT IS SO ORDERED.**

11
12 Dated: _____

HON. BETH LABSON FREEMAN